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COMMONLY ASKED QUESTIONS ABOUT SERVICE ANIMALS

1. What are the laws that apply to state and local governments in the state of Washington?

The Americans with Disabilities Act (ADA) and the Washington State Law Against Discrimination (RCW 49.60) prohibit state and local governmental agencies from discriminating against individuals with disabilities. In addition, public entities must provide reasonable modifications to existing policies, practices and procedures to ensure equal access to programs and services. Allowing people with disabilities to be accompanied by their service animals onto premises where animals are usually prohibited is a reasonable modification of policy and practice.

2. What is a disability?

The ADA defines disability as any physical or mental impairment that substantially limits one or more major life activities and can include such activities as walking, talking, breathing, caring for oneself, etc. State of Washington law defines disability more broadly as the presence of any sensory, mental, or physical disability, which is a condition that is "medically cognizable or diagnosable."

3. What is a service animal?

The ADA defines a service animal as "any animal that is individually trained to do work or perform tasks for the benefit of a person with a disability." Under the law, a service animal is not considered a pet. The most common service animals are dogs, but may sometimes include other species (for example, a cat or a bird).

The Washington State Law Against Discrimination (RCW 49.60) defines service animal as "an animal that is trained for the purpose of assisting or accommodating a disabled person's sensory, mental, or physical disability." Some service animals-in-training are included under the definition of service animal. According to the Washington State Human Rights Commission, if the service animal-in-training can provide assistance to the individual with a disability, even though other training remains in progress, the animal is considered to be a service animal and is covered by state law. Also, a

companion or therapy animal may be considered a service animal, dependent upon whether the individual qualifies as a person with a disability under state law (see 2).

4. What does a service animal do?

Guide dogs are one type of service animal, used by some individuals who are blind. Service animals can perform myriad services for someone with a disability, including alerting deaf individuals to sounds (telephone, doorbell, fire alarms), alerting an individual with seizure disorder to an oncoming seizure, carrying and picking up things for someone who uses a wheelchair, and assisting with balance and opening doors.

A companion or therapy animal is typically for individuals with mental disabilities, including depression, post traumatic stress disorder, anxiety disorder, or autism. Without the companion animal, the individual may not be able to go to work, interact successfully with other people, or conduct other daily activities.

5. How can I tell if an animal is really a service animal and not just a pet?

There are no legal requirements for service animals to be specially identified. Some, but not all, service animals wear special collars and harnesses. Some, but not all, are licensed or "certified" and/or have identification papers. If you are not certain that an animal is a service animal, you may ask the person who has the animal if it is a service animal required because of a disability. A public entity cannot require any proof of a person's disability, or identification or certification of the service animal's status.

6. Can we restrict the areas into which the service animal can go?

Generally, no. The service animal must be permitted to accompany the individual with a disability to all areas of the facility where members of the public are normally allowed to go, unless its presence or behavior creates a fundamental alteration or direct threat to safety (see 11 and 12). An individual with a service animal may not be segregated from others.

7. What about any "no pets" policies?

Legally, a service animal is not a pet. The ADA and Washington state law require you to modify your "no pets" policy to allow the use of a service animal by an individual with a disability. A "no pets" policy may be continued, but you must make an exception to your general rule for service animals.

8. I thought that because of health regulations I only have to admit guide dogs. If I refuse other animals, am I violating the ADA or other laws?

Yes, if you refuse to admit any other type of service animal on the basis of local health department regulations or other state or local laws. The ADA and the Washington State Law Against Discrimination provide greater protection for individuals with disabilities, and so they take priority over other local or state laws or regulations. There is no evidence that healthy, vaccinated, well-trained service animals are any greater threat to public health and safety than members of the general public.

9. Can I charge a maintenance or cleaning fee, or safety deposit for people who bring service animals into our office or clinic?

No. As for any other program modifications provided to people with disabilities, you may not charge an additional fee related to the use of service animals. An agency may charge its customers with disabilities if a service animal causes damage so long as it is the regular practice of the entity to charge non-disabled customers for the same types of damages.

10. Am I responsible for the service animal while the person with a disability is in our office or clinic?

No. The care or supervision of a service animal is solely the responsibility of his or her owner. You are not required to provide care or food for the animal.

11. What if a service animal barks or growls at other people, or otherwise threatens people or other animals?

You may exclude a service animal from your facility when that animal's behavior poses a direct threat to the health or safety of others. However, you may not make assumptions (speculate) about how a particular animal is likely to behave based on your past experience with other animals. Each situation must be considered individually.

Although an agency may exclude any service animal that is a direct threat to safety, it should give the service animal's owner the option of continuing to access its services or enjoy its programs and activities without having the service animal on the premises.

12. Can I exclude a service animal that doesn't really seem dangerous but is disruptive?

There may be circumstances when an agency is not required to accommodate a service animal, when doing so would result in a fundamental alteration to the nature of the service or activity, such as when the animal disrupts business activity. For example, an animal can be excluded when it makes repeated loud noises or initiates unsolicited contact with people other than its owner, such as jumping on people. Any exclusion must be for reasons that are demonstrable, not speculative.

13. Must I let in a service animal-in-training, or a person who does not have a disability who says the animal is trained as a service animal?

No. The ADA and Washington state non-discrimination laws do not address service animals that are not yet trained. While you may choose to allow these animals entry, you do not have a legal obligation to do so. Additionally, these laws protect the rights of individuals who have disabilities, and do not pertain to individuals who do not have disabilities. (See 3 for more detail.) However, King County government's policy allows individuals and their service animals-in-training equal access to facilities, "subject only to the conditions and limitations established by law and applicable alike to individuals with disabilities and their service animals."

14. What about leash laws?

Each situation must be considered on a case-by-case basis. You may enforce local leash laws. However, per U.S. Department of Justice, leash law enforcement may need to be modified for a service animal to be off-leash briefly to perform a particular task. Also, where physical disabilities may make it difficult or impossible for an individual to hold a leash, exception should be made to leash law requirements. This does not change the requirement that the animal be under the direct control of the individual with a disability. If the animal is not under the individual's control and is behaving in a threatening or destructive manner, you may choose to ask the person with a disability to remove their animal until it is under appropriate control.

Information for this document was obtained from:

U.S. Dept. of Justice Civil Rights Division, Office of the ADA,
Commonly Asked Questions About Service Animals (1996)
Washington State Human Rights Commission
King County Office of Civil Rights
Delta Society National Service Dog Center

Service Dog Etiquette

You're not dealing with just a dog.

Please speak first to the person. It's correct human and canine manners!

Petting the service dog – do not touch either the service dog or its person without first asking permission. Touching the service dog might distract it from its work. Touching the person might be interpreted as assault.

Feeding the service dog – resist the temptation to offer treats to the service dog.

Barking, meowing, whistling, and making other rude noises at the service dog – Don't. You'll look silly.

Conversing with the person about the service dog, disabilities, other dogs you have known – Questions of a personal nature should be avoided. If the person volunteers information, you may decide if you wish to continue the conversation. Don't feel offended if the person declines to talk about him/herself or the service dog – not everyone wants to be a walking "show and tell" exhibit.

What If . . . ?

. . . you don't like or are afraid of dogs?

Place yourself away from the service dog. If you are a business person, discreetly arrange for someone else to wait on the person. You may ask the person to have the service dog lie down if it does not interfere with its work.

. . . the service dog barks, growls, or otherwise forgets its manners?

Find out what happened before taking action. Was the service dog stepped on, poked, asleep and dreaming, performing its job (some alert their owners to oncoming seizures by barking once or twice)? If the service dog's behavior is disruptive, you may ask the person to remove it from the premises.

. . . other people complain about the dog being present?

Explain that the service dog is medically necessary and that federal law protects the right of the person to be accompanied by the service dog in public places.

"Service Dog Etiquette," excerpted from "Facts You Should Know About Service Dogs"
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